



City of Yelm

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NOTICE OF DECISION

DATE: April 17, 2020
PROJECT NAME: Yelm Creek Lane Apartments
PROJECT LOCATION: 16516 Creek Lane SE, Yelm, WA
PARCEL NUMBER: 64303400200 & 64303400202
CASE NUMBER: 2020.0004

NOTICE IS HEREBY GIVEN that the Community Development Department issued a site plan review approval to Yelm Creek Lane Apartments at the above referenced location.

The complete decision may be viewed on the City’s website at www.yelmwa.gov and choosing ‘I Want To’ then ‘View’ then ‘Public Notices’ from the menu system. A copy of the decision may also be obtained at the Community Development Department in City Hall at 106 2nd Street SE, Yelm, WA 98597 during normal business hours for a fee of 15 cents per page. For additional information, please contact the Community Development Department at 360-458-3835.



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SITE PLAN REVIEW 2020.0004

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

FINDINGS OF FACT

1. Yelm Creek Lane LLC proposes to construct 24 additional apartments adjacent to existing apartments located at 16516 Creek Lane SE, identified by Assessor’s Tax Parcel Numbers 64303400200 & 64303400202.
2. The property currently developed as an apartment complex. The property to the north is developed as a Senior Center, properties to the east are residentially developed, and properties to the south and west are commercially developed. The property is approximately a total of 6.10 acres.
3. The property is zoned Heavy Commercial (C-2) which is codified at Chapter 18.37 YMC. The original site approval was to develop the parcel as apartment units in two phases. This application is consistent with the original approval.
4. Yelm Creek Lane LLC submitted a site plan review application on February 3, 2020, and it was determined to be complete on February 25, 2020. Site improvements include two multi-family buildings and associated parking. The application materials included a preliminary site plan, preliminary drainage, geotechnical, and critical areas reports.
5. As required by Section 18.10.050 YMC, the Yelm Community Development Department mailed a Notice of Application to local and state agencies and surrounding property owners on February 25, 2020. In addition, the notice was published on the City’s website on February 25, 2020 and published in the Nisqually Valley News on March 5, 2020. No comments were received.
6. The City of Yelm SEPA Responsible Official issued a Mitigated Determination of Non-significance based on WAC 197-11-158 March 20, 2020. This determination is final and fulfills the City’s responsibility for disclosure of potential, significant environmental impacts. The Mitigated Determination of Non-significance included the following mitigating conditions.

1. A final drainage report meeting the minimum requirements of the Stormwater Management Manual for Western Washington, as published by the Washington State Department of Ecology shall be submitted with civil plan submission.
2. Stormwater facilities shall meet the minimum requirements of Section 18.21.080(G).

Comments were received from the Washington Department of Ecology (ECY), which noted that the project is subject to existing regulations regarding toxics and waste cleanup, water quality, and Construction Stormwater Permit requirement.

7. Chapter 18.16 YMC requires a determination that the infrastructure facilities necessary to serve a proposed development are in place or planned for and properly funded with a reasonable expectation that the facilities will be in place at the time needed to preserve adopted levels of service.

- a. Concurrency with sewer infrastructure is met when the project is within an area approved for sewer pursuant to the adopted sewer comprehensive plan for the City and improvements necessary to provide facilities and services are present to meet the needs of the proposed development.

The proposed development is required to connect to City sewer services. This satisfies the concurrency requirement for sewer.

- b. Concurrency with water infrastructure is met when the project is within an area approved for municipal water service pursuant to the adopted water comprehensive plan for the City and improvements necessary to provide services are present.

The proposed development is required to connect to City water services. This satisfies the concurrency requirement for Water.

- c. Concurrency with transportation infrastructure is met when the project completes frontage improvements, makes off-site improvements required for the safe movement of traffic and pedestrians if impacted by traffic from the development, and pays a traffic facilities charge.

The parcel fronts Creek Street SE which is improved to City standards. Transportation facility charges satisfy concurrency for transportation.

- d. Concurrency with school infrastructure is met when the developer pays a school impact fee at the time of construction.

Payment of a School Impact Fee satisfies concurrency for school infrastructure.

- e. Concurrency with fire protection is met when the developer pays a fire impact fee at the time of construction.

Payment of the Fire Impact Fee at the time of building permit issuance satisfies concurrency requirements.

8. Title 18 YMC is the Unified Development Code for the City of Yelm and establishes standards for development within the various zoning districts. The subject property is identified by the Zoning Map as being within the C-2 zoning district. Properties to the north, east and west are developed as single family residences, and the parcel to the south is developed as retail commercial.
 - a. Apartments are allowed in the C-2 zoning district. [Section 18.37.020 (C) YMC]
 - b. Setback requirements for the C-2 zoning district are 15 feet from front property line, 10 feet from side property line, and 20 feet from rear property line. [Section 18.37.040 YMC] The proposed buildings meet the C-2 setback requirements.
 - c. Buildings in the C-2 zoning district may be up to 40 feet in height. [Section 18.37.040 YMC]. The proposed building meet the height requirement for the C-2 zoning district.
 - d. Chapter 18.52 YMC provides guidance for Ingress and egress. The proposal uses current access points on Creek Street, no new access points are requested.
 - e. Multi-family dwelling units require two parking stalls per unit. [Section 18.54.030 YMC] The proposal meets the minimum requirements of Section 18.54.030 YMC.
9. Title 18 YMC provides guidance and regulation for site planning during development. Chapter 18.55 establishes landscaping requirements for various types of development.
 - a. Perimeter landscape includes an 8 foot planter area with a combination of evergreen and deciduous trees. Perimeter landscape is required along the southern property line to include existing vegetation, and landscape up to flood zone hazard area. Perimeter landscape is not required adjacent to the riparian setback area. Landscaping is required around the proposed buildings and covered parking areas.
 - b. Pedestrian corridors require streetscape landscaping to provide visual relief and separation of pedestrians from streets and parking areas. Streetscape landscaping is existing.
 - c. Parking landscaping includes a minimum of 24 square feet of landscape area for each parking stall proposed, planting area must contain at least one tree with no parking stall located more than 50 feet from a tree.

The conceptual site plan proposes adequate parking lot landscaping.
 - d. Stormwater Facility Landscaping includes landscaping of the stormwater facility to be incorporated with all on-site landscaping.

Any above ground stormwater facilities shall be landscaped pursuant to the requirements of Chapter 18.55 YMC.

- e. Trash enclosures shall incorporate the architectural feature of the primary structure and landscaping. Trash enclosures should be located to the rear of the site, and not located between a street and building, and location approved by the local provider. The enclosure shall be constructed of CMU, wood or architectural steel, with gates of similar durable materials. [Section 18.59.040 YMC]

Civil plans shall clearly show location of trash enclosure with required landscaping.

- f. Chapter 18.56 requires a minimum of 10 percent of the gross area to be dedicated as recreational areas, this includes active recreation as well as environmental interpretation, protection, or other education.

The proposal includes protection of flood zone, high ground water hazard area, and riparian buffer. In order to protect these critical areas, signage should be place in visible areas depicting the area as environmental significance.

- g. Chapter 18.57 requires the protection of trees during development.

The existing trees onsite are located outside of the proposed development area. This meets the intent of protection during development.

- h. Section 18.59.050 YMC provides guidance for illumination. Walkways shall be lit to a minimum of 2 foot candles. Parking lot illumination levels shall not exceed 0.1 foot candle at five feet past the edge of the property line(s). Fixtures shall be mounted to a maximum of 20 feet above grade.

- i. Mailboxes for the site shall be cluster box units (CBU) and placed on site. [Section 18.59.080 YMC]

10. The Yelm Critical Areas and Resource Lands, Chapter 18.21 YMC provides protection for critical aquifer recharge areas, frequently flooded areas, wetlands, geologically hazardous areas, and fish and wildlife habitat conservation areas.

- a. All of Yelm is identified as a critical aquifer recharge area. Compliance with Federal, State, and County water source protection regulations and with the City's adopted stormwater regulations is required to protect the aquifer. [Section 18.21.070 (C) YMC]

- b. The Mazama Pocket Gopher has been listed as a threatened species by the Washington Department of Fish and Wildlife since at least 2008. Yelm has protected this species through the implementation of the Critical Areas Code. When a development occurs on property suspected to be occupied by the Mazama Pocket Gopher, the Community Development Department has required the applicant prepare a critical areas report which would include

mitigation measures if it was determined that pocket gophers would be impacted by the proposed development. The Washington Department of Fish and Wildlife is provided with notice of all threshold determinations issued pursuant to the State Environmental Policy Act and the City consults with the Department when a critical areas report is required.

In April, 2014, the U.S. Fish and Wildlife Service listed the Yelm subspecies of the Mazama Pocket Gopher as threatened under the Endangered Species Act. While the City of Yelm is not responsible for implementation or enforcement of the Endangered Species Act, it consults with the Service and provides notice to applicants that the pocket gopher is a federally protected species and a permit from the U.S. Fish and Wildlife Service may be required.

A report by Soundview Consultants concluded that there was no evidence of gophers on this site.

Compliance with Yelm's requirements under the Critical Areas Code does not ensure compliance with the provisions of the Endangered Species Act. The applicant should contact the US Fish and Wildlife Service with any questions about compliance with Federal standards for threatened species.

The site is encumbered by a High Ground Water Hazard Area, riparian buffer, and FEMA flood Zone. Section 18.21.080(G) provides performance standards for development within the hazard areas. These standards include the determination of the flood elevation, that no development may locate within 50 feet, measured on a horizontal plane, or extending to a ground elevation of two feet above the base flood elevation, whichever is less, and that the bottom of any filtration facility for stormwater discharge shall be at least 6 feet above the base flood elevation.

Section 18.21.110 (B)(6) YMC provides for habitat buffer averaging when it will not reduce habitat functions, will not adversely affect salmonid habitat, provide additional resource protection, and the buffer area width ins not reduced by more than 25% in any location.

The proposal meets this regulation by locating development more than 50 feet from the flood hazard area, using pervious pavement for stormwater treatment, and provides more habitat buffer than required.

11. Chapter 13.04 YMC and Chapter 6 of the Development Guidelines establish requirements for connection to the City's water system. Water service connections are by a service line and water meter in the public right-of-way. [Section 13.04.110 YMC].

The site is served by an 8 inch water main located on site. This line is required to be extended to serve the new buildings.

The City implements a cross-connection and backflow control program pursuant to Title 43 RCW and Chapter 248-54 WAC. [Section 13.04.220 YMC] A backflow prevention assembly is required to protect Yelm's water system from cross-connections from all new development. [Section 13.04.220 (D)].

12. Fire protection to the buildings must be provided per the International Fire Code. The specific requirements for installation of additional fire hydrants will be determined during civil plan review. The International building code (IBC) provides occupancy ratings for different types of uses. The fire coverage system for the proposed use must meet IBC requirements.

Identified in the 2002 City of Yelm Water Comprehensive Plan is a requirement to install fire hydrant locks as part of the City's water conservation and accountability program.

13. Chapter 13.08 YMC and Chapter 7 of the Development Guidelines establish requirements for connection to the City's sewer system. Development requires extension of utility lines to all property frontages.

The site is served by a 4 inch sewer main located in Creek Street. STEP tanks must be sized accordingly.

14. All of Yelm is considered a critical aquifer discharge area. The control and treatment of stormwater is required to protect the critical aquifer. The City has adopted the latest edition of the Stormwater Management Manual for Western Washington (SMMWW) published by the Washington Department of Ecology. [Section Chapter 18.27 YMC].

15. Frontage improvements are required as part of development in the City. [Section 18.16.050 YMC]

Frontage improvements for Creek Street are complete. The buildings will be served by internal drive lanes within parking areas.

Traffic Facilities Charges are based on the Institute of Traffic Engineers Trip Generation guide (ITE). The ITE lists multifamily housing as creating 0.44 new pm peak hour trips per unit.

CONCLUSIONS OF LAW

- A. Section 18.13.020 (B) YMC allows the Site Plan Review Committee to approve a proposal when the preliminary site plan conforms to the standards, provisions and policies of the city as expressed in its various adopted plans and ordinances.
- B. Yelm Creek Lane LLC has established that the request for site plan review approval can satisfy all criteria set forth in Section 18.13.020(C) YMC, meet all requirements of the C-2 zoning classification, and meet all other requirements of the Yelm Municipal Code. Therefore, the preliminary site plan should be approved subject to the following conditions:

1. The conditions of the Mitigated Determination of Non-significance are hereby referenced and are considered conditions of this approval.
2. Each dwelling unit shall connect to the City water system. The connection fee and meter fee will be established at the time of building permit issuance. All conditions for cross connection control shall be met, as required in Section 246-290-490 WAC.
3. Each dwelling unit shall connect to the City S.T.E.P. sewer system. The connection fee and inspection fee will be established at the time of building permit issuance.
4. Prior to construction, civil engineering plans shall be submitted to the Community Development Department for review and approval. Civil plans submission shall be consistent with the requirements of the Yelm Development Guidelines and shall include details on all required infrastructure.
5. The civil engineering plans shall include a fire hydrant plan consistent with the Yelm Development Regulations which includes the proposed location of all hydrants and service lines and fire flow calculations for all existing and proposed hydrants. The applicant shall be responsible for the fee for hydrant locks on all fire hydrants required and installed as part of development. The applicant shall coordinate with the Yelm Public Works Department to purchase required hydrant locks.
6. The civil engineering plans shall include a detailed landscaping plan that identifies perimeter landscaping to the south, internal landscaping around buildings, and parking lot landscaping in all parking areas. Any above ground stormwater facilities shall be landscaped pursuant to the requirements of Chapter 18.55 YMC.
7. The applicant shall provide a performance assurance device in order to provide for maintenance of the required landscaping until the tenant or homeowners' association becomes responsible for landscaping maintenance. The performance assurance device shall be 150 percent of the anticipated cost to maintain the landscaping for three years.
8. The civil engineering plans shall include plans for the collection, treatment, and infiltration of stormwater in accordance with the most current version of the Stormwater Management Manual for Western Washington. The final stormwater plan shall include an operation and maintenance plan and an agreement to maintain stormwater facilities.
9. To meet open space requirements, and to protect the high ground water flood hazard area, signage should be placed in visible areas depicting the area as environmental significance.
10. Approved pedestrian pathways shall be provided from all parking areas to the buildings. An updated pedestrian circulation plan shall be submitted.
11. Civil plans shall clearly show location of trash enclosure with required landscaping, and location approved by local service provider.
12. Parking lot illumination levels shall not exceed 0.1 foot candle at five feet past the edge of the property line(s). Fixtures shall be mounted to a maximum of 20 feet above grade.
13. Mailboxes for the site shall be cluster box units (CBU) and located on site. [Section 18.59.080 YMC]
14. Payment of a fire impact fee is due at the time of building permit issuance.

- 15. Payment of a school impact fee is due at the time of building permit issuance.
- 16. Payment of a traffic facilities charge is due at the time of building permit issuance.
- C. The site plan is valid for eighteen (18) months from the date of this approval. The applicant may request a six-month extension on the approval, if the request is made in writing prior to the expiration date of this approval.

DECISION

The request for site plan review approval is hereby granted subject to the conditions contained in the conclusions above.

Dated this 17th day of April, 2020



Grant Beck,
Community Development Director

Public Works Director

Prepared this 17th day of April, 2020



Tami Merriman,
Associate Planner

APPEAL

The Site Plan Review Committee's decision in this matter may be appealed pursuant to Chapter 18.10 YMC, to the City of Yelm Hearing Examiner no later than 21 days from the date of this decision. An appeal must be in writing, contain specific factual objections, and include the appeal fee of \$1,250.00.